



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL. OP. No.831 of 2026

1.Sakthivel
2.Kesavan
3.Sabarinathan
4.Vetri
5.Poovarasan

....Petitioners

Vs

The State Represented by
Inspector of Police,
Attur Police Station
Salem District
Crime No.403 of 2025.

..Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.403 of 2025 on the file of the respondent police.

For Petitioner: M.Prashanth V.I

For Respondent: Ms.J.R.Archana, Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 303(2) of BNS 2023 r/w 21(1) MM



Act, 1957 in Crime No.403 of 2025, seek anticipatory bail.

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2. The case of the prosecution is that on 26.12.2025, when the respondent police along with other police party were in vehicle check up, they found the petitioners transporting red sand of 2 units in two Tractors without obtaining valid permission. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) for the respondent police, submitted that on the date of alleged occurrence, when the respondent police along with his police parties conducted routine vehicle check up, they found the petitioners were illegally transporting red sand in two Tractors. He further submitted that during investigation, it was revealed that the petitioners were transporting two units of red sand without any valid permission. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned



Government Advocate (Crl.Side) and perused the materials available on record.

6. Considering the nature of allegations and the submissions made by learned counsel on either side and the fact that the sand was taken from the private land of A2 and it is not a illegal quarrying from either the Government land or from river bed, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.I, Attur*, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)**, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(b) the petitioners shall report before the

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respondent police, everyday at 10.30 a.m., for a period^{gv} of three weeks and thereafter as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

12.01.2026

To

1. The Inspector of Police,

Attur Police Station

Salem District

2. The Public Prosecutor

High Court of Madras.

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